

Appendix B

Correspondence



FEMA

February 1, 2005

Stan Glowacki
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
501 West Ocean Boulevard
Long Beach, CA 90802-4213

Chris Delith
U.S. Fish and Wildlife Service
2493 Portola Road, Suite B
Ventura, CA 93003

Re: Gaviota Beach Road and Bridge Replacement Project, County of Santa Barbara Department of Public Works, FEMA-1203-DR-CA, DSR #52007 and #74695

Dear Mr. Glowacki and Mr. Delith:

The County of Santa Barbara Department of Public Works has applied to the Federal Emergency Management Agency (FEMA), through the California Governor's Office of Emergency Services, for Public Assistance Program funding to replace the Gaviota Creek Bridge, located in Gaviota State Park in southern Santa Barbara County. The bridge was damaged by the El Nino storms and flooding that affected Santa Barbara County in the winter of 1998 and which were declared a Presidential disaster (FEMA-1203-DR-CA). The county proposes to replace the bridge and complete other road improvements during 2005 and 2006 in order to provide safe and reliable passage to the park and the community of Hollister Ranch.

This letter represents FEMA's request for formal consultation with the National Oceanic and Atmospheric Administration National Marine Fisheries Service and the U.S. Fish and Wildlife Service under Section 7 of the Endangered Species Act for the subject project. Accordingly, FEMA is submitting the enclosed Biological Assessment for your review and to assist you in preparation of a Biological Opinion and Incidental Take Statement. The enclosed Biological Assessment describes the proposed action, the environmental setting, and special-status species and analyzes the proposed action's potential adverse effects on those species. The Biological Assessment also presents minimization and avoidance measures to reduce adverse effects to special-status species.

If you should require any additional information regarding the proposed action or FEMA's request, please feel free to contact me at (510) 627-7284 or FEMA's contractor, Mr. John Gray of NISTAC, at (805) 964-6010. Thank you in advance for your assistance.

Sincerely,



Alessandro Amaglio
Environmental Officer

Enclosure

Cc:

Jack Malone, U.S. Army Corps of Engineers

Dennis Castrillo, California Governor's Office of Emergency Services

Greg Nielsen, County of Santa Barbara

BIOLOGICAL ASSESSMENT

FOR

**GAVIOTA BEACH ROAD AND BRIDGE REPLACEMENT PROJECT
COUNTY OF SANTA BARBARA DEPARTMENT OF PUBLIC WORKS
(FEMA-1203-DR-CA, DSR #52007 and #74695)**

**Prepared for
Federal Emergency Management Agency**

**Prepared by
Nationwide Infrastructure Support Technical Assistance Consultants
(A Joint Venture of URS Group, Inc., and Dewberry & Davis LLC)**

January 2005



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ventura Fish and Wildlife Office
2493 Portola Road, Suite B
Ventura, California 93003



IN REPLY REFER TO:
Pas: 1908-2779-3137

June 9, 2005

RECEIVED
JUN 14 PM 1:44

Alessandro Amaglio, Environmental Officer
Federal Emergency Management Agency
U.S. Department of Homeland Security
1111 Broadway, Suite 1200
Oakland, California 94607-4052

Subject: Biological and Conference Opinions for the Gaviota Beach Road and Gaviota Creek Bridge Replacement Project, Santa Barbara County, California (FEMA-1203-DR-CA, DSR #52007 and #74695) (1-8-05-F-8)

Dear Mr. Amaglio:

This document transmits the U.S. Fish and Wildlife Service's (Service) biological and conference opinions based upon our review of the Federal Emergency Management Agency's (FEMA) proposed funding of the Gaviota Beach Road and Gaviota Creek Bridge Replacement Project. It includes an analysis of the effects of the proposed action on the federally endangered tidewater goby (*Eucyclogobius newberryi*), and the threatened California red-legged frog (*Rana aurora draytonii*) and its proposed critical habitat, in accordance with section 7 of the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 *et seq.*). Your February 1, 2005, request for formal consultation was received on February 2, 2005.

On April 13, 2004, the Service proposed critical habitat for the California red-legged frog (69 *Federal Register* (FR) 19620). Proposed project activities located within Gaviota Creek fall within proposed critical habitat Unit 26 for the California red-legged frog. In a telephone conversation on March 3, 2005, Eric Morrisette of my staff advised John Gray, contractor to FEMA, that the critical habitat could become final during the proposed project activities and that FEMA should request a conference opinion regarding the project effects on the proposed critical habitat for California red-legged frog. Consequently, Dr. Gray requested that we include a conference opinion on the proposed critical habitat for the California red-legged frog.

We understand that you have initiated formal consultation with the National Oceanic and Atmospheric Administration Fisheries Service (NOAA Fisheries) regarding the effects of the proposed Federal action on the federally endangered southern steelhead trout (*Oncorhynchus mykiss*). Because the southern steelhead trout is not within the Service's jurisdiction, it will not be mentioned further in this document.

These biological and conference opinions are based on information which accompanied your February 1, 2005 request for formal consultation, including the biological assessment (NISTAC

Pages 2 through 24 are not included

CUMULATIVE EFFECTS

Cumulative effects include the effects of future State, tribal, local or private actions that are reasonably certain to occur in the action area considered in this biological opinion. Future Federal actions that are unrelated to the proposed action are not considered in this section because they require separate consultation pursuant to section 7 of the Act.

The California Department of Parks and Recreation has proposed the construction of a segment of the Coastal Trail in Gaviota State Park. A small trailhead would be constructed along the improved Gaviota Beach Road, about 500 feet from the intersection with Highway 101. Pedestrian and an equestrian trails would extend for several miles along the coast to the east of the Park. The trailhead would be located about 800 feet from Gaviota Creek along the fringe of the floodplain. Construction of the trail would occur several years after completion of the subject project.

The Service reviewed the proposed coastal trail project and provided recommendations to the California Department of Parks and Recreation addressing ways to avoid effects to listed species, in a letter dated February 2, 2004.

We have recommendations for equestrians in addition to those mentioned in our letter. The incorporation of equestrian trails may affect California red-legged frogs and tidewater gobies, and their habitats. Horses may water in Gaviota Creek. Adequate horse watering should be provided so that horses and horse owners avoid Gaviota Creek. Horses coming from upland areas to the creek may increase erosion and destabilize the stream banks; increasing siltation at the point of entry and downstream siltation effects. Horses walking in the creek or along the banks may directly injure or kill California red-legged frogs or tidewater gobies by trampling. Additionally, horse droppings may introduce non-native plant species that may be invasive and out-compete local native vegetation, which could alter habitat conditions for tidewater gobies, California red-legged frogs, and other species. We recommend an equestrian management plan be developed during the planning process of the proposed trail.

Possible effects to proposed California red-legged frog critical habitat were not addressed in our letter. The coastal trail, as proposed, is not anticipated to reduce the functionality of the critical habitat unit. The trail and trailhead would be located away from Gaviota Creek; thus, unlikely to affect the essential aquatic habitat component of the primary constituent elements of the proposed critical habitat. The trail would be routed away from Gaviota Creek and east of the watershed. Thus, the associated uplands and dispersal habitat components of the primary constituent elements are not anticipated to be affected because the trail would not occur along Gaviota Creek, or in the vicinity, where California red-legged frog breeding habitat is known to occur.

CONCLUSION

After reviewing the current status of the tidewater goby and California red-legged frog, the environmental baseline for the action area, the effects of the proposed Gaviota Beach Road and

Gaviota Creek Bridge replacement project, and the cumulative effects, it is the Service's conference opinion that FEMA's proposal to replace Gaviota Beach Road and Gaviota Creek Bridge, as proposed, is not likely to destroy or adversely modify proposed critical habitat for the California red-legged frog.

We have reached these conclusions because:

1. The project would affect temporarily disturb 3.7 acres and permanently alter 0.2 acres of the approximately 98,791 acres (*i.e.*, less than 0.01 percent) of the designated critical habitat in unit 26, which will not reduce the function of the unit;
2. The majority of effects to habitat would be temporary in nature;
3. Few, if any, tidewater gobies and/or California red-legged frogs are likely to be killed or injured during project activities due to the proposed monitoring and relocation program and restrictions on season and work area;
4. FEMA and the County have proposed avoidance and minimization measures to reduce the adverse effects of the proposed work on the tidewater goby, California red-legged frog, and California red-legged frog critical habitat; and
5. Installation of the proposed bridge will likely reduce future effects to tidewater gobies and California red-legged frogs as opposed to continuing maintenance required with the existing structure, restoring Gaviota Creek to more natural conditions.

INCIDENTAL TAKE STATEMENT

Section 9 of the Act and Federal regulations pursuant to section 4(d) of the Act prohibit the take of endangered and threatened species, respectively, without special exemption. Take is defined as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in any such conduct. Harm is further defined by the Service to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering. Harass is defined by the Service as intentional or negligent actions that create the likelihood of injury to listed species by annoying it to such an extent as to significantly disrupt normal behavior patterns which include, but are not limited to, breeding, feeding or sheltering. Incidental take is defined as take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity. Under the terms of section 7(b)(4) and section 7(o)(2), taking that is incidental to and not intended as part of the agency action is not considered to be prohibited taking under the Act provided that such taking is in compliance with the terms and conditions of this incidental take statement.

The measures described below are non-discretionary, and must be undertaken by FEMA so that they become binding conditions of any grant or permit issued to the County, as appropriate, for the exemption in section 7(o)(2) to apply. FEMA has a continuing duty to regulate the activity

covered by this incidental take statement. If FEMA (1) fails to assume and implement the terms and conditions or (2) fails to require the County to adhere to the terms and conditions of the incidental take statement through enforceable terms that are added to the permit or grant document, the protective coverage of section 7(o)(2) may lapse. To monitor the impact of incidental take, FEMA or the County must report the progress of the action and its impact on the species to the Service as specified in the incidental take statement. [50 CFR §402.14(i)(3)]

All tidewater gobies found within the dewatering area may be subject to take in the form of capture during relocation efforts. As a result of capture, a subset of captured tidewater gobies may experience a significant disruption of normal behavioral patterns to the point that they have been harmed. Any tidewater gobies that remain in the action area may suffocate from stranding or otherwise injured or killed. Because of their small size and residence in aquatic habitats, finding all of the dead or injured tidewater gobies is unlikely.

We anticipate that few tidewater gobies will be taken through injury or mortality during the Gaviota Beach Road and Gaviota Creek Bridge replacement project. Estimating the number of tidewater gobies that are likely to be taken by the project is difficult, due to the large annual fluctuations in tidewater goby population size and the many variables (*e.g.*, weather, hydrology, distribution of prey) that govern their movement in a dynamic stream environment. During the construction of the existing bridge, approximately 1,300 individuals were relocated and less than 50 were killed or injured. However, the area under the bridge is no longer under tidal influence and is likely to contain fewer tidewater gobies than reported in the past. Based on this past experience, we do not expect that many tidewater gobies will be killed or injured by project activities. If more than ten (10) tidewater gobies are found dead or injured, FEMA or the County shall contact our office immediately so we can review the project activities to determine if additional protective measures are needed. Project activities may continue during this review period, provided that all protective measures proposed by FEMA and the County and the terms and conditions of this biological opinion have been and continue to be implemented.

Tidewater gobies may be taken only within the defined boundaries of the Gaviota Beach Road and Gaviota Creek Bridge replacement project boundaries.

All California red-legged frogs found within the action area may be subject to take in the form of capture during relocation efforts. As a result of capture, a subset of captured California red-legged frogs may experience a significant disruption of normal behavioral patterns to the point that they have been harmed. Any California red-legged frogs that remain in the action area may be crushed or otherwise injured or killed. Because of their small size and cryptic habits, finding dead or injured California red-legged frogs is unlikely.

We anticipate that few, if any, California red-legged frogs will be taken through injury or mortality during the Gaviota Beach Road and Gaviota Creek Bridge replacement project. Estimating the number of California red-legged frogs likely to be killed by the action is difficult, due to the dynamic nature of stream habitat and the many variables determining the presence of individuals at a given point in time. Incidental take of the California red-legged frog will be difficult to detect because of its small body size and finding a dead or injured specimen is

unlikely. If more than one (1) individual is found dead or injured, FEMA or the County shall contact our office immediately so we can review the project activities to determine if additional protective measures are needed. Project activities may continue during this review period, provided that all protective measures proposed by FEMA and the County and the terms and conditions of this biological opinion have been and continue to be implemented.

California red-legged frogs may be taken only within the defined boundaries of the Gaviota Beach Road and Gaviota Creek Bridge replacement project boundaries.

REASONABLE AND PRUDENT MEASURES

The Service believes the following reasonable and prudent measures are necessary and appropriate to minimize take of the tidewater goby and California red-legged frog:

1. Only Service-approved personnel will survey for, capture, handle, and relocate tidewater gobies and California red-legged frogs from the action area, and only in an appropriate manner for the minimum time necessary.
2. Contaminants must not be introduced into the project area floodplain, or onto nearby soils.
3. Measures to minimize adverse effects to California red-legged frogs and tidewater gobies must be employed during project implementation.

The Service's evaluation of the effects of the proposed action includes consideration of the measures developed by FEMA and the County, and repeated in the Description of the Proposed Action portion of this biological and conference opinion, to minimize the adverse effects of the proposed action on the tidewater goby and California red-legged frog. Any subsequent changes in the minimization measures proposed by FEMA and the County may constitute a modification of the proposed action and may warrant reinitiation of formal consultation, as specified at 50 CFR 402.16. These reasonable and prudent measures are intended to clarify or supplement the protective measures that were proposed by FEMA and the County as part of the proposed action.

TERMS AND CONDITIONS

To be exempt from the prohibitions of section 9 of the Act, FEMA must ensure that the County complies with the following terms and conditions, which implement the reasonable and prudent measures described above and outline reporting and monitoring requirements. These terms and conditions are non-discretionary.

The following terms and conditions implement reasonable and prudent measure 1:

- 1.1 In the section of Gaviota Creek that is to be dewatered, as many tidewater gobies and California red-legged frogs as possible shall be removed prior to draining the site. After the barriers are constructed for the dewatered area, tidewater gobies

shall be captured, transported in buckets, and released at least 300 feet downstream of the downstream barrier. If a beach seine is used, it shall be pulled to shore in a deliberate manner with care being taken to avoid rolling the lead line inward. The number of tidewater gobies shall be estimated prior to release. All debris and aquatic and emergent vegetation in the dewatered area shall be carefully inspected for tidewater gobies, California red-legged frogs, and other vertebrates. California red-legged frogs shall be hand-captured. Tidewater gobies shall be captured in a manner with the least exposure time out-of-water and as many individual as possible shall be captured using dipnets.

- 1.2 Tidewater gobies and California red-legged frogs shall only be transported in buckets with individuals of like species. While in captivity, tidewater gobies must be kept in a bucket with water from Gaviota Creek in a cool, aerated environment, and they must be maintained in a manner that does not expose them to temperatures or any environmental conditions that could cause injury or undue stress (such as direct sunlight or excessive time spent in the container. While in captivity, California red-legged frogs must be kept in a cool, moist, aerated environment, such as a bucket containing a damp sponge or damp vegetation and they must be maintained in a manner that does not expose them to temperatures or any environmental conditions that could cause injury or undue stress. Containers used for holding or transporting California red-legged frogs must not contain standing water (to avoid exhausting frogs by necessitating that they swim). California red-legged frogs should not be transported in the same bucket with western toads or other amphibian species (to avoid direct exposure to other animals' toxins and to minimize the potential for disease transmission).
- 1.3 When capturing and removing tidewater gobies and California red-legged frogs from work sites, the Service-approved biologists(s) shall minimize the amount of time that animals are held in captivity to the maximum extent practicable.
- 1.4 Soaps, oils, creams, lotions, repellants, nicotine, or solvents of any sort must be cleaned from the hands of any personnel when they are capturing and relocating and California red-legged frogs.

The following terms and conditions implement reasonable and prudent measure 2:

- 2.1 In the event of a hazardous material or petroleum product spill within the floodplain, wetland, or riparian area associated with the project area you must contact us within 24 hours to determine the proper course of action and clean-up methods. If a spill occurs on a weekend or late Friday, you must contact us by close of business the following Monday.
- 2.2 All vehicles and equipment used within the floodplain or associated riparian area of project area must be inspected daily to ensure they are free of any leaks of fuel, cooling, lubricating, or other potentially polluting fluid.

- 2.3 No vehicles or other heavy equipment shall be rinsed or cleaned within the waters, floodplain, or associated riparian areas of project area. All necessary precautions must be taken to prevent release of any toxic substances into the waters or onto soils of the project area.

The following terms and conditions implement reasonable and prudent measure 3:

- 3.1 Pets of project personnel that could prey on California red-legged frogs must be prohibited anywhere within the floodplain or associated riparian area of project area during project activities.
- 3.2 FEMA must require that within 15 feet of surface water, only glyphosate-based herbicides licensed for aquatic use (e.g. Aquamaster[®], Rodco[®]) be used. The use of less toxic surfactants such as Agri-Dex or LI 700 is permitted within this zone. The relatively toxic surfactant R-11 must not be used within this zone. No other surfactants may be used within 15 feet of surface water without the prior written approval of the Service.
- 3.3 Because California red-legged frogs may travel further from water when the ground surface is moist, herbicides must not be sprayed when the ground surface within the project area is wet and saturated. Application of herbicides manually to cut stalks is acceptable.
- 3.4 Project personnel must immediately report any California red-legged frogs or tidewater gobies they detect within the action area, or any California red-legged frogs within 165 feet of the action area, to the Service-approved biologist. If within the action area, the Service-approved biologist must capture any tidewater goby or California red-legged frog found and relocate it to the predetermined location. If a California red-legged frog is found outside the action area but within 165 feet of its boundary, the Service-approved biologist must closely monitor it to ensure that it does not enter the action area.
- 3.5 In the dewatered area, water above the barrier shall be pumped downstream at an appropriate rate to maintain downstream flows during construction. Upon completion of construction activities, the barriers to flow shall be removed in a manner that will allow flow to resume with the least disturbance to the substrate.
- 3.6 The Service-approved biologist must ensure that the spread or introduction of exotic plants does not occur. When practicable, the County must remove exotic plants from the action area.
- 3.7 To avoid transferring disease or pathogens between aquatic habitats during the course of surveys and handling of California red-legged frogs, the Service-approved biologist(s) shall follow the Declining Amphibian Task Force's Code of Practice. A copy of this Code of Practice is enclosed. You may substitute a

bleach solution (0.5 to 1.0 cup of bleach to 1.0 gallon of water) for the ethanol solution. Care shall be taken so that all traces of the disinfectant are removed before entering the next aquatic habitat.

- 3.8 If project activities could degrade water quality, the existing water quality parameters shall be determined (*e.g.*, salinity, temperature, dissolved oxygen, turbidity) prior to the onset of work. Samples shall be taken in a manner that minimizes harassment or mortality of tidewater gobies. Results shall be used to monitor water quality parameters during and after construction.

REPORTING REQUIREMENTS

FEMA shall provide a written annual report to the Service by January 31 of each year that this biological opinion is in effect. The report shall document the number of California red-legged frogs and tidewater gobies killed or injured by project activities. The report shall also provide a summary of the previous year's activities and their effects on the California red-legged frog and tidewater goby.

The report shall contain information on the following: (1) the type of activities that occurred in the action area (*e.g.*, construction activities, monitoring); (2) the location of these activities; (3) a description of the habitat in which these activities occurred; (4) the number of California red-legged frogs and tidewater gobies affected; (5) steps taken to avoid or minimize effects; (6) the number of California red-legged frogs and tidewater gobies relocated; (7) the locations from which California red-legged frogs and tidewater gobies were moved and to which they were relocated; (8) the status of removal activities for exotic vegetation; (9) the results of any surveys conducted for the California red-legged frog and tidewater goby in the previous year; (10) an analysis of the effectiveness of the monitoring plan and action levels and recommendations for any changes to the plan and action levels; and (11) any other pertinent information. The first report will be due the first January after the initiation of ground-disturbing activities.

DISPOSITION OF DEAD OR INJURED SPECIMENS

Within three days of locating any dead or injured California red-legged frogs or tidewater gobies, you must notify the Service's Division of Law Enforcement in writing (370 Amapola Avenue, Suite 114, Torrance, California 90501) and the Ventura Fish and Wildlife Office by telephone (805) 644-1766 and in writing (2493 Portola Road, Suite B, Ventura, California 93003). The report shall include the time and date, location of the carcass, a photograph, cause of death, if known, and any other pertinent information.

Care shall be taken in handling dead specimens to preserve biological material in the best possible state for later analysis. Should any injured California red-legged frogs or tidewater gobies survive, the Service shall be contacted regarding their final disposition.

The remains of California red-legged frog shall be placed with the Santa Barbara Natural History Museum, Vertebrate Zoology Department (Contact: Paul Collins, Santa Barbara Natural History

Museum, Vertebrate Zoology Department, 2559 Puesta Del Sol, Santa Barbara, California 93105, (805) 682-4711 ext. 321). Arrangements regarding proper disposition of potential museum specimens shall be made with the Santa Barbara Natural History Museum by the project biologist prior to implementation of the action.

The remains of tidewater gobies shall be placed with the University of California at Los Angeles (Contact: David Jacobs, Department of Ecology and Evolutionary Biology, University of California Los Angeles, 621 Young Drive South, Los Angeles, California 90095-1606, (310) 206-7885). Arrangements regarding proper disposition of potential museum specimens shall be made with the University of California by the project biologist prior to implementation of the action.

CONSERVATION RECOMMENDATIONS

Section 7(a)(1) of the Act directs Federal agencies to use their authorities to further the purposes of the Act by carrying out conservation programs for the benefit of endangered and threatened species. Conservation recommendations are discretionary agency activities to minimize or avoid adverse effects of a proposed action on listed species or critical habitat, to help implement recovery plans, or to develop information.

1. FEMA or the County should monitor California red-legged frogs that have been relocated to determine the success of the relocation. To assess the survival of relocated California red-legged frogs, they may be fitted with radio transmitters and tracked as part of a monitoring effort. Plans to radio-track California red-legged frogs, captured pursuant to this biological opinion, must be approved by the Service prior to implementation.
2. We recommend that FEMA and the County work with the Park to remove nonnative plant species (e.g., castor bean, ice plant, giant reed, yellow star thistle, etc.) from the watershed of Gaviota Creek, particularly within the action area during project activities when some equipment to aid with removal would already be present. This action would benefit the California red-legged frog, tidewater goby, and other native species by improving habitat quality. If FEMA or the County undertakes such an effort, we further recommend that we be involved with project planning to assist in ensuring appropriate compliance with section 7(a)(2) of the Act.

The Service requests notification of the implementation of any conservation recommendations so we may be kept informed of actions minimizing or avoiding adverse effects or benefiting listed species or their habitats.

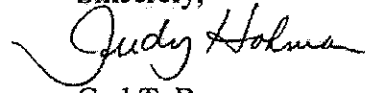
REINITIATION NOTICE

This concludes formal consultation on your proposed funding of the Gaviota Beach Road and Gaviota Creek Bridge Replacement Project. As provided in 50 CFR §402.16, reinitiation of

formal consultation is required where discretionary Federal agency involvement or control over the action has been retained (or is authorized by law) and if: 1) the amount or extent of incidental take is exceeded; 2) new information reveals effects of the agency action that may affect listed species in a manner or to an extent not considered in this opinion; 3) the agency action is subsequently modified in a manner that causes an effect to the listed species or critical habitat not considered in this opinion; or 4) a new species is listed or critical habitat designated that may be affected by the action. In instances where the amount or extent of incidental take is exceeded, any operations causing such take must cease pending reinitiation.

If you have any questions, please contact Eric Morrisette of my staff at (805) 644-1766, extension 223.

Sincerely,



for Carl T. Benz
Assistant Field Supervisor
South Coast/Deserts

Enclosure

cc:

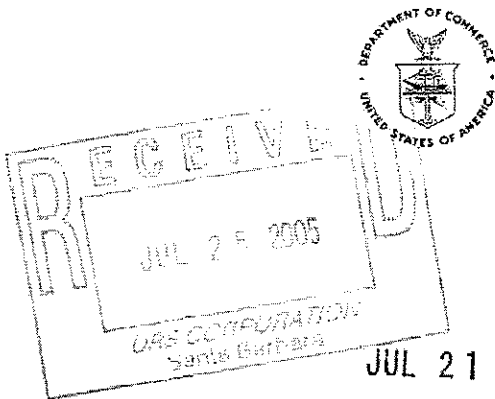
Stan Glowacki, NOAA Fisheries

Morgan Wehtje, California Department of Fish and Game

Greg Nielsen, County of Santa Barbara

Dennis Castrillo, California Governor's Office of Emergency Services

Jack Malone, U.S. Army Corps of Engineers



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

Southwest Region
501 West Ocean Boulevard, Suite 4200
Long Beach, California 90802-4213

In response refer to:
151422SWR05PR00166:SCG

Alessandro Amaglio
Department of Homeland Security
Federal Emergency Management Agency
1111 Broadway, Suite 1200
Oakland, California 94607-4052

Dear Mr. Amaglio:

NOAA's National Marine Fisheries Service (NMFS) has reviewed the Federal Emergency Management Agency's (FEMA) Biological Assessment (BA) for the Gaviota Creek Bridge Replacement Project in Gaviota State Park, Santa Barbara County, California. The Santa Barbara County Public Works Department (County) has applied for FEMA funds to replace the Gaviota Creek Bridge, which has proved to be inadequate to pass flows and sediment during winter rains, creating a steelhead migration barrier and resulting in landowners from the Hollister Ranch becoming stranded during winter floods. The County proposes to replace the existing bridge with a new one that is appropriately sized to pass a 100-year flood, and to complete other road improvements during 2005-2006 in order to provide a safe and reliable route to Gaviota State Park and the community of Hollister Ranch. The replacement bridge will follow the same alignment as the old bridge but will be longer and wider and 11 feet off of the creek bed to allow for a 100-year flood to pass with two feet of freeboard left. Two bridge piers will be placed in the creek channel, and the channel will be desilted 300 feet upstream and downstream of the new bridge to facilitate efficient passage of flows and sediment under the bridge after completion. To prevent bank erosion, ungrouted rock-slope protection will be employed for a distance of about 100 feet upstream of the bridge and for about 90 feet downstream of the bridge. The rock-slope protection will be filled with native soils and vegetated with riparian plant species. FEMA requested formal consultation since it was believed that the bridge replacement and related activities were likely to adversely affect Federally endangered Southern California steelhead.

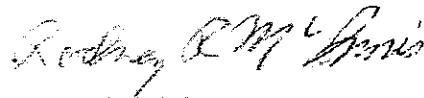
After a review of the BA, numerous site visits, and discussions with John Gray of URS Corporation, NMFS believes that this project is not likely to adversely affect steelhead and that formal consultation is not necessary. Because the bridge is just upstream of the estuary and not near rearing habitat, steelhead are not likely to be present during construction, and direct effects to migrating steelhead will be avoided since no work will take place in the channel between December 1 and July 1. Additionally, a biological monitor will be present to survey for



steelhead prior to construction and steelhead exclusion nets will be deployed to keep fish from entering the construction area while work is occurring. Disturbance to riparian habitats will be temporary and areas disturbed will be restored and revegetated with native riparian plants at a 3 to 1 mitigation ratio. Because these and other avoidance and minimization measures will be implemented for this project, direct and indirect effects to steelhead and their habitat are not anticipated. Furthermore, this project provides an overall benefit to steelhead in Gaviota Creek since it will eliminate a migration barrier that has been in place for decades near the mouth of the creek.

This concludes section 7 consultation for this proposed action. Consultation must be reinitiated where discretionary Federal agency involvement or control over the action has been retained (or is authorized by law) and: (1) if new information becomes available revealing effects of the action on listed species in a manner or to an extent not previously considered, (2) if project plans change, and if the agency action is subsequently modified in a manner that causes an effect to listed species that was not considered, or (3) if a new species or critical habitat is designated that may be affected by this action. Please call Stan Glowacki at (562) 980-4061 if you have any questions concerning this letter, or if you require additional information.

Sincerely,



Rodney R. McInnis
Regional Administrator

cc: Natasha Lohmus, CDFG
John Gray, URS Corp.



Federal Emergency Management Agency

Region IX
1111 Broadway Suite 1200
Oakland, California 94607-4052

Dr. Knox Mellon
State Historic Preservation Officer
Office of Historic Preservation
1416 9th Street, Room 1442-7
Sacramento, California 95814

APR 14 2003

Subject: Gaviota Beach Road Bridge Replacement Project, Santa Barbara County
FEMA-1203-DR-CA; DSR #74695/52007

Dear Dr. Mellon:

The purpose of this letter is to transmit the results of an analysis by the Federal Emergency Management Agency (FEMA) of a proposed bridge replacement project for a crossing over Gaviota Creek near the entrance to Gaviota Beach State Park. Built in 1997, the existing bridge and its associated approach roadway were damaged in a 1998 flood event resulting in the loss of access to the Hollister Ranch residential community. As a result of the flood damage, the Federal Emergency Management Agency (FEMA) may provide funding for the bridge replacement and roadway approach improvement project.

This letter provides our overall conclusions regarding this project. A separate report has been enclosed with this letter that details the results of the archaeological survey program. Background information related to the literature review, natural setting, prehistory, history, ethnography and survey coverage are described in the report and not repeated herein.

In summary, the archeological field reconnaissance of the area of potential effect (APE) for the project identified three previously recorded prehistoric sites. Two of these sites, CA-SBR-96 and -1100, are located on a prominent bluff to the east of the project area. Neither of these sites would be directly or indirectly affected by the project. Prehistoric site CA-SBR-97 is also located on a bluff overlooking the project area to the north and east. An existing paved road and parking area originally proposed for use as a staging area are also located on the bluff. This staging area has now been dropped from consideration as a project component in response to a request from State Parks personnel because of its close proximity to CA-SBR-97 and is now located outside the project APE (see Figures 2 and 3 in the enclosed report).

Historic site CA-SBR-2484H is a remnant fence line which exhibits no qualities that would make it eligible for inclusion on the National Register of Historic Places (NRHP). The site is located within the direct APE and will in all likelihood be destroyed during project construction. Beyond the re-recording already completed, no further action is recommended.

regarding this site. Historic site GC-01, comprised of a cylindrical steel water tank with associated ruined small wooden structures that are surmised to be pump houses. These features do not exhibit the associations with other resources or sufficient age to warrant eligibility for inclusion on the NRHP. This site appears to be located outside the direct APE and would likely be unaffected by project related activity. In any event, no further action is recommended beyond the archival research and recordation documented in the enclosed report. FEMA requests an expedited consultation pursuant to 36 CFR 800.3(g).

Project Description

The project area is located along the Pacific Ocean shoreline north of the City of Santa Barbara. The area is located in a geomorphologic transition zone extending from the sandy beaches up into the delta of Gaviota Creek. The proposed project would elevate Gaviota Beach Road Bridge (installed in 1997) in Gaviota State Park. The bridge is located on Gaviota Beach Road just off U.S. Highway 101 approximately 100 yards north of the State Park entrance kiosk. Gaviota Beach Road Bridge is a low-lying structure at the Gaviota Creek crossing and is often inundated by winter rains, which cause flooding over much of Gaviota State Park. During peak wet weather storm events Gaviota Beach Road Bridge becomes impassable, and access to the Hollister Ranch residential community is hindered.

In order to improve ingress and egress at Hollister Ranch during storm events, FEMA is evaluating construction alternatives for a new elevated bridge that would be approximately 13 feet high and modifications to the associated access road. The access road would be widened to 12-foot travel lanes with 5-foot wide shoulders. A temporary detour would be built on both sides of the road to accommodate traffic during construction phases. The detour lanes will also be 12 feet wide beyond the proposed roadway. Figures 1, 2, and 3 (in the attached technical report) depict the location and layout of the proposed project.

FEMA, in accordance with the National Historic Preservation Act of 1966, as amended (NHPA), has determined that the Proposed Action is a Federal undertaking.

APE Determination

The APE for this project includes all areas of proposed construction activity for this project for alternatives under consideration in Gaviota State Park (Figure 3). This will include:

- Gaviota Beach Road, and a 20-foot buffer around it, from its point of departure from Highway 101 to the parking lot.
- The State Park parking lot.

The California Department of Parks and Recreation also identified an "area of indirect effects" to account for possible changes in flow direction as the result of construction that may result from the placement of the new bridge. Given new obstacles around which the redirected water would flow, State Parks personnel have surmised that a potential for erosion in areas of the park not specifically covered in the APE for direct effects exists. As such, the Area of Indirect Effects includes a greater portion of the Gaviota Creek floodplain than the direct effects APE. The Area of Indirect Effects includes areas along the steep ridge that is west and south and roughly parallels Highway 101 to the cliffs overlooking the Pacific Ocean,

as well as the beach and pier (see Figure 3 in the technical report). For purposes of this review we assume the direct effects APE and the Area of Indirect Effects to be the APE. Pursuant to Section 106 of the NHPA, FEMA seeks your concurrence with its determination of the APE.

Native American Consultation

Pursuant to the revised implementing regulations of the NHPA found at 36 CFR 800.4(a)(4), FEMA's cultural resources consultant, URS Group, Inc., contacted the California Native American Heritage Commission (NAHC) to request a review of their Sacred Lands Files and a list of individuals or groups that NAHC believes should be contacted regarding information or concerns related to the project area. The NAHC responded on May 31, 2002, with a negative search of their Sacred Lands File. An informational letter was transmitted on August 1, 2002, to the 18 interested parties identified by the NAHC. To date one response has been received. This individual requested a copy of the May 31, 2002, letter from the NAHC and a copy of the distribution list of contacts, but did not offer information regarding the project area. Copies of these documents were sent to this individual on August 19, 2002. The correspondence and communications related to this consultation are included as Appendix B of the enclosed technical report.

Archaeological Survey Program Results

URS Group, Inc., the archaeological consultant for FEMA, conducted an intensive pedestrian survey of the project area (APE and Area of Indirect Effects - see Figure 3 in the technical report) on October 21 and 22, 2002. Archaeological survey coverage is described by project component in the enclosed technical report. Please refer to this report for a detailed description of the results of the survey.

Recommendations and Conclusions

Pursuant to the revised implementing regulations of the NHPA found at 36 CFR 800.11(d), this letter provides a description of the proposed undertaking, an APE determination, accompanying maps, and the steps FEMA has taken under Section 800.4(b) to identify historic properties. Three prehistoric sites described above, CA-SBA-96, -97, and -1100 were inspected during this survey. Each of these sites is located outside the direct effects APE as well as the Area of Indirect Effects. Although not formally evaluated for eligibility to the NRHP, the characterization of these sites in the available literature suggests they would qualify for inclusion under criterion D based on their potential to yield information important in prehistory or history. CA-SBA-96 and -1100 are located on a prominent bluff in excess of 100 feet in elevation overlooking the project area to the west and north. Under no conceivable scenario would these sites be affected by potential downstream hydrological changes in stream flow related to construction of the new bridge.

Prehistoric site CA-SBA-97 is located on the opposing bluff to the west and overlooks the project area to the north and east. The only proposed project activity in the vicinity of this site was the temporary utilization of an existing paved road and graveled shoulder for construction staging. In response to a request from State Parks personnel, this staging area has now been dropped from consideration as a project component because of its close proximity to CA-SBR-97. The site is now outside the APE.

Two historic sites were recorded within the project APE. Site CA-SBR-2484H, a fence remnant was re-recorded as part of this survey for the proposed project on October 22, 2002. The re-recording of this site supports the earlier description of the feature being composed of an admixture of variously aged materials that appear to have been salvaged. Most likely this fence was constructed in the 1960s during the terminal stages of use of a house razed and removed in the 1960s. The fence does not appear to exhibit any qualities that would qualify it for inclusion in the NRHP. The proposed project would likely remove the fence feature. No further work is recommended at this location beyond the re-recording completed.

Site GC-01 is a previously unrecorded historic feature consisting of a cylindrical steel water tank approximately 8 feet tall and 15 feet in diameter with associated ruined small wooden structures that are surmised to be pump houses. Remains of electrical utility poles and fuse boxes indicate that pumps in the houses were run electrically. Located approximately 165 feet (50 meters) north of the water tank is a scatter of historic trash and two steel trash dumpsters set on their sides with rebar grids welded to their tops. Graffiti scratched into the water tank dates to the early 1970s. The site is located approximately 230 feet (70 meters) southeast of the palm tree marking the location of the ranch house built in 1926. This house was razed after the acquisition of the property by the State in 1969. It is probable that the facilities at GC-01 were associated with the late period of occupation at the tenant house. A review of all available historic tax assessor's maps for Santa Barbara County do not show the features at GC-01 or the potentially associated (now razed) tenant's house. Site GC-01 does not appear to be eligible for inclusion on the NRHP under any of the four evaluation criteria (36 CFR 60). Were the remains still in association with an intact tenant house, they might have been eligible under Criteria A or C, but in their present condition they lack integrity of original setting and design. No further work is recommended at this location beyond the re-recording and archival research completed.

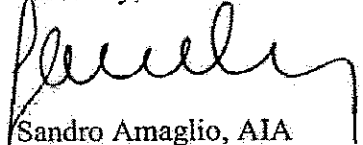
Although the survey was conducted in as thorough a manner as possible, there is a possibility that previously unidentified archaeological resources could be discovered during project construction. Pursuant to 36 CFR 800.13(a), FEMA requests that the Programmatic Agreement (PA) for this disaster (FEMA-1203-DR-CA) be invoked for unanticipated discoveries. Section VII of the PA identifies the steps to be taken in the event of an unanticipated discovery. It is FEMA's opinion that inclusion of this option under 36 CFR 800.13 will satisfy issues related to unanticipated discoveries for this project. Should human remains be encountered, work in the vicinity must halt and the County Coroner and State Historic Preservation Office will be notified immediately. If the remains are determined to be Native American, the Coroner will contact the NAHC.

Request for Response

The enclosed technical report has been reviewed by the California Department of Parks and Recreation Cultural Heritage Section. They have concurred with the findings and recommendations. Unless we hear from your office within 30 days of our receipt of

notification of acceptance of our request for an expedited consultation (assuming you approve the request for expedited consultation), FEMA will assume it has satisfied its Section 106 responsibilities for this undertaking. Please feel free to telephone me at (510) 627-7284, or Brian Hatoff, FEMA's consultant, at (510) 874-3195 if you have any questions.

Sincerely,



Sandro Amaglio, AIA
Environmental Officer

Enclosures

**OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION**

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May 15, 2003

In reply refer to:
FEMA030430A

Sandro Amaglio, AIA
Environmental Officer
Federal Emergency Management Agency
Region IX
1111 Broadway, Suite 1200
Oakland, CA 94607

RE: Gaviota Beach Road Bridge Replacement Project, Santa Barbara County FEMA-1203-DR-CA;
DSR #74695/52007

Dear Mr. Amaglio:

FEMA has requested my comments on the proposed bridge replacement project for a crossing over Gaviota Creek near the entrance to Gaviota Beach State Park. FEMA may provide funding for the bridge replacement and roadway improvement project. Your request for my comments was made in accordance with 36 CFR Part 800, regulations implementing Section 106 of the National Historic Preservation Act. Thank you for consulting with me.

The proposed bridge replacement is necessary because flood damage to the existing bridge and its associated approach roadway have resulted in loss of access to the Hollister Ranch residential community. Construction alternatives are being evaluated for a new elevated bridge structure that would be approximately 13 feet high. The access road would be widened to 12-foot travel lanes with 5-foot wide shoulders. A temporary detour would be built on both sides of the road to accommodate traffic during construction. The Area of Potential Effects (APE) includes all areas of proposed construction.

The documentation you submitted describes two resources within the APE. Historic site CA-SBR-248H is a remnant fence line; historic site GC-01 is comprised of a cylindrical steel water tank with associated ruined small wooden structures that are surmised to be pump houses. Neither historic feature exhibits qualities or associations that warrant inclusion in the National Register of Historic Places (NRHP).

Based on my review of the documentation you have submitted, I agree that the undertaking's APE has been adequately delineated, that historic property identification efforts are satisfactory, and that efforts to involve interested parties, including Native Americans, are likewise satisfactory. I concur that neither CA-SBR-248H or GC-01 are eligible for the NRHP. I agree that no historic properties will be affected by this undertaking.

Thank you for considering historic properties during project planning. If you have any questions or comments, please contact Jennifer Darcangelo, Staff Archaeologist, at (916) 654-4614 or at jdarc@ohp.parks.ca.gov.

Sincerely,

Dr. Knox Mellon
State Historic Preservation Officer



FEMA

April 27, 2005

Mr. Milford Wayne Donaldson
State Historic Preservation Officer
Office of Historic Preservation
1416 9th Street, Room 1442-7
Sacramento, California 95814

Re: Gaviota Beach Bridge Replacement Project, County of Santa Barbara,
FEMA-1203-DR-CA, DSR #74695/52007

Dear Mr. Donaldson:

The purpose of this letter is to re-initiate consultation regarding the subject project. In a letter dated May 15, 2003, you concurred with the determination of the Federal Emergency Management Agency (FEMA) that no historic properties would be affected by the proposed undertaking. The undertaking reviewed by your office has not changed. However, in an unrelated project, the California Department of Parks and Recreation (DPR) completed an extended phase I archaeological excavation in support of a proposed 2.5-mile, multi-purpose trail from the entrance of Gaviota State Park to Cañada de San Onofre Creek. This project does not overlap the FEMA project reviewed by your office except along a portion of a temporary road proposed to be built along the east side of the existing road (see Figure 1).

Extensive fires occurred in the project area subsequent to completion of the Section 106 review. As a result of the fires, the DPR archaeological team was able to examine more of the surface area than was available to the FEMA archaeological team when they completed their survey. The DPR archaeologists have revised the surface boundaries of historic site CA-SBA-2484H (site record enclosed) to encompass an area stretching from the existing road east to a site FEMA had recorded separately as GC-01. This boundary revision was based in part on historic photos and the presence of a palm tree that may have been associated with a building that was possibly constructed on the adobe location sometime in the 1920s. This structure "may have been constructed to replace the Gaviota Adobe" according to the DPR report.

The DPR team undertook a testing program at CA-SBA-2484H to ascertain whether a subsurface deposit is present within its project area. They excavated a total of nine 2-foot-by-2-foot shovel test pits (STPs). Six of the STPs (those closest to the proposed temporary detour road) were found to be culturally sterile. The DPR team also noted "the vast majority of the site is overlain by riverine sediment." Although the DPR team was focused on its own project area, it appears based on their

Figure 5 (enclosed) that STPs #1, #2, and #5 were placed within, or immediately adjacent to, the proposed temporary detour road depicted in Figure 1. The DPR team further noted that the "...top 36" of the site (CA-SBA-2484H) consisted of recent flood deposits, sterile of cultural material". The other three excavated STPs (STPs #11, 12, and 13) are located in a range of 100 to 200 feet east of the proposed temporary detour road. These units yielded a few fragments of glass, rusted metal, stoneware and porcelain. DPR concluded that these materials do not represent intact deposits, but most likely scattered refuse.

The DPR team also reports finding a new prehistoric site, GCT-1 (site record enclosed). As recorded by the DPR team, this site, which is described as a moderate scatter of shell, bone, and a sparse scatter of lithics, is located approximately 100 meters east of the proposed temporary road right-of-way. The DPR team also notes that the site is in the active floodplain of Gaviota Creek.

One of FEMA's archaeological consultants, Dr. Bryon Bass of NISTAC, revisited the areas described above on April 15, 2005. Dr. Bass confirmed that there are no surface manifestations of either archaeological site within FEMA's area of potential effects (APE) with the exception of the vegetation which may or may not be coeval with structures that are no longer present. He also reported that a mantel of alluvium (some portion of which appears to be a result of increased erosion caused by the regional fires as well as normal deposition activity) covers some of the area, including where the temporary road is proposed for installation. These observations regarding alluvial outflow are generally consistent with those of the DPR team and the results of their subsurface testing.

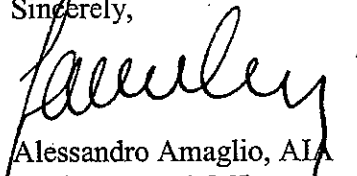
Recommendations and Conclusions

The new information provided to FEMA does not change FEMA's original conclusions regarding the project's potential to affect historic properties. There is no surficial evidence of either site within the APE (with the exception of the palm tree and possibly some cacti, which may or may not be coeval with structures no longer present). Also, the DPR team and FEMA's consultant's observations confirm that there are no historic properties present on the surface within FEMA's APE. The proposed temporary road will employ surface vegetation grubbing and clearing then be constructed by placement of sterile fill *on top of* matting, which will be placed on the existing surface. Thus, the vertical APE for the temporary road will not extend below the current surface. FEMA will require as a condition of funding that the subgrantee have a professional archaeological monitor present during initial construction activities associated with the temporary road as well new ground disturbing activities associated with culvert installation and stream bed silt removal (these latter two components are outside plotted site boundaries) (see Figure 1). In accordance with Stipulation VII of the PA, FEMA has conducted the Standard Project Review. FEMA has made a determination of "no historic properties affected" and, in accordance with the PA, is submitting for review this letter and attachments supporting that determination. In accordance with Stipulation VII, FEMA may authorize funding for the project unless you object to this determination within 21 days of your receipt of this documentation. In accordance with Stipulation X of the PA, FEMA will require the County of Santa Barbara to stop work in the event of an unexpected discovery and comply with the steps outlined in Stipulation X.

Mr. Wayne Donaldson
April 27, 2005
Page 3

If you have questions, you can contact me at (510) 627-7284 or Mr. Hatoff of NISTAC at (510) 874-3195.

Sincerely,



Alessandro Amaglio, AIA
Environmental Officer

Enclosures

Cc:

Dennis Castrillo, California Governor's Office of Emergency Services
Joy Hufschmid, County of Santa Barbara
Herb Dallas, California Department of Parks and Recreation

**OFFICE OF HISTORIC PRESERVATION
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June 2, 2005

In Reply Refer To: FEMA030430A

Alessandro Amaglio, AIA
Environmental Officer
U.S. Department of Homeland Security
Federal Emergency Management Agency
111 Broadway, Suite 1200
Oakland, CA 94607-4052

Dear Mr. Amaglio:

Re: Gaviota Beach Bridge Replacement Project, Santa Barbara County, California FEMA-1203-DR-CA, DSR #74695/52007.

You are continuing consultation with me regarding the above noted undertaking pursuant to 36 CFR § 800 (as amended 8-05-04) regulations implementing Section 106 of the National Historic Preservation Act. The earlier consultation on this undertaking, documented in your letter received by the State Historic Preservation Officer (SHPO) 4/30/03, and in the letter of response from the SHPO dated 5/15/03, resulted in a concurrence that the APE was adequately delineated, that the efforts to identify historic properties were appropriate, that two historic properties within the Area of Potential Effect were not eligible to the National Register of Historic Places (NRHP), and that the finding of No Historic Properties Affected was appropriate.

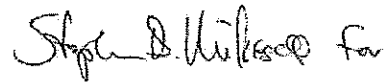
You are notifying me of additional archeological work which has been completed in the vicinity of this undertaking by the California Department of Parks and Recreation (CDPR). The CDPR archeologists have re-recorded the historic site CA-SBA-2484H and have revised the site boundaries to encompass a larger area, and have additionally recorded a prehistoric site, GCT-1, that was not previously documented. After reviewing your letter and the supporting documentation (site records, maps, aerial photo/project overlay), I have the following comments.

- 1) I concur with your evaluation of the archeological data from the CDPR investigations that the expanded boundaries of the historic site CA-SBA-2484H and the location of the newly documented prehistoric site GCT-1 are not within the Area of Potential Effect (APE) of this undertaking.
- 2) FEMA's determination of No Historic Properties Affected is appropriate and in accordance with Stipulation VII.C of the PA and FEMA has supplied me with the appropriate documentation to support this finding.
- 3) This consultation is based on FEMA's requirement that, as a condition of funding, the sub-grantee will have a professional archeological monitor present during initial construction activities associated with the temporary road construction as well as new ground disturbing activities associated with culvert installation and stream bed silt removal.

4) Be advised that under certain circumstances, such as unanticipated discovery or a change in project description, FEMA may have additional responsibilities for this undertaking under 36 CFR Part 800.

Thank you for seeking our comments and for considering historic properties in planning your project. If you require further information, please contact William Soule at phone 916-654-4614 or email wsoule@parks.ca.gov.

Sincerely,

A handwritten signature in dark ink, appearing to read "Milford Wayne Donaldson".

Milford Wayne Donaldson, FAIA
State Historic Preservation Officer